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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,862	11/21/2003	Santosh Devasia	UNIV0189	1366
25268	7590	09/02/2005	EXAMINER	
LAW OFFICES OF RONALD M ANDERSON 600 108TH AVE, NE SUITE 507 BELLEVUE, WA 98004			SNIEZEK, ANDREW L	
			ART UNIT	PAPER NUMBER
			2651	

DATE MAILED: 09/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/718,862

Applicant(s)

DEVASIA ET AL.

Examiner

Andrew L. Snizek

Art Unit

2651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-26 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 8,9,13,21 and 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/17/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Information Disclosure Statement*

1. The information disclosure statement filed 5/17/04 has been considered.

### *Drawings*

2. The drawings filed 11/21/03 are acceptable to the examiner.
3. This application is in condition for allowance except for the following formal matters:

### *Claim Objections*

4. Claims 8-9 and 21-22 are objected to under 37 CFR 1.75 (a) as not particularly and distinctly pointing out the claimed invention. The limitations as provided in claims 8-9 and 21-22 that move the element during the transition-time interval **as well as** the post-actuation input after the transition-time interval (claims 8 and 21) or pre-actuation input before the transition-time interval (claims 9 and 22), contradicts the limitations or respective claims 1 and 14 that states that the element **only moves** during the transition-time interval. Appropriate correction is required.
5. Claim 13 is objected to under 37 CFR 1.75 (c) as being improper dependent: The claimed medium could be infringed without infringing upon the respective base claim drawn to a method. Possession of a medium including instructions to perform a method that infringes on the claimed medium does not necessarily mean that the actual method has been performed and therefore the method of the base claim is not necessarily infringed. Hence, claim 13 is an improper dependent claim as failing the

Infringement test outlined in MPEP 608.01(n) II. TREATMENT OF IMPROPER  
DEPENDENT CLAIMS, III. INFRINGEMENT TEST. Appropriate correction is required.

6. The prior art made of record and not relied upon is considered pertinent to  
applicant's disclosure. Galloway and Gregg are cited showing background disk drive  
arrangements.

***Allowable Subject Matter***

7. Claims 1-26 are allowed over the prior art of record.

8. The following is a statement of reasons for the indication of allowable subject  
matter: The claimed method as set forth in claim 1 including each of the steps (a) – (d),  
and corresponding controller as set forth in claim 14 containing respective elements,  
such that the element only moves during the transition-time interval such that energy  
applied outside this interval is hidden so that the element does not move other than  
during the transition-time interval by determining optimal input signals based on optimal  
internal states for a selected optimization criterion is neither taught by nor an obvious  
variation of the art of record. The claimed method as set forth in claim 26 including each  
of the steps (a-g) which are used to move an element during a transition-time interval by  
obtaining an optimal output-transition solution in a manner as set forth is neither taught  
by nor an obvious variation of the art of record.

Prosecution on the merits is closed in accordance with the practice under *Ex  
parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

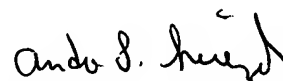
A shortened statutory period for reply to this action is set to expire **TWO  
MONTHS** from the mailing date of this letter.

Art Unit: 2651

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew L. Sniezek whose telephone number is 571-272-7563. The examiner can normally be reached on Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Andrew L. Sniezek  
Primary Examiner  
Art Unit 2651

A.L.S.  
8/31/05